

Court of Appeals, State of Michigan

ORDER

People of MI v Tony Dossie

Docket No. 290991

LC No. 06-013968-01-FH; 07-007254-01-FH

Michael J. Talbot
Presiding Judge

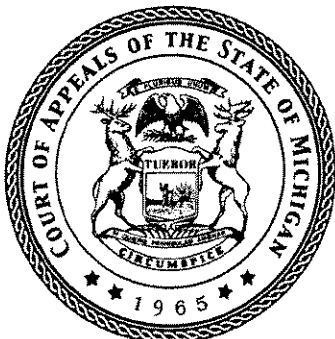
Brian K. Zahra

Cynthia Diane Stephens
Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court VACATES that portion of the sentences that ordered defendant to pay attorney fees, and REMANDS the cases to the trial court. The trial court erred in ordering defendant to pay attorney fees without first assessing defendant's ability to pay. *People v Dunbar*, 264 Mich App 240, 252-256; 690 NW2d 476 (2004). On remand, the trial court shall address defendant's current and future financial circumstances and foreseeable ability to reimburse the county for attorney fees before determining whether defendant should pay those fees. At the trial court's discretion, the decision may be made based on the record without the need for a formal evidentiary hearing. *Id.*

In addition, the trial court shall specifically delineate the basis for the total costs imposed, it not being clear on the record before this Court the basis for the amounts \$3,180.00 and \$1,491.25 that are noted on the judgments of sentence dated November 11, 2008.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 21 2009

Date

Sandra Schultz Mengel
Chief Clerk